

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.753 of 2018**

Swadesh Kumar Kaushik, S/o Yogendra Kumar Kaushik, aged about 28 years, R/o LIG 192, Housing Board Umda, P.S. Purani Bhilai, District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Purani Bhilai, District Durg, Chhattisgarh

---- Respondent

and

M.Cr.C. No.1817 of 2018

Avinash Astikar, S/o Late Anant Astikar, aged about 45 years, R/o Kabir Nagar, MDD, 102, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police of Police Station Purani Bhilai, District Durg, Chhattisgarh

---- Respondent

For Respective Applicant	: Shri T.K. Jha and Smt. Kiran Jain, Advocates
For Respondent/State	: Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****2.4.2018**

1. Since the Applicants of the above-mentioned bail applications relate to a common crime number, the applications are heard and decided together.
2. Present are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicants who have been arrested in connection with Crime No.334 of 2017 registered at Police Station Purani Bhilai, District Durg for offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act.

3. Case of the prosecution, in brief, is that on the information received from an informant on 8.10.2017, a Honda City Car bearing registration No.CG 04 HD 3311 was searched. Three persons were sitting inside the car. It is the case of the prosecution that 5 Kgs. of Ganja was seized from Applicant Swadesh Kumar Kaushik and 7 Kgs. of Ganja was seized from Applicant Avinash Astikar.
4. Smt. Kiran Jain, Learned Counsel appearing for Applicant Swadesh Kumar Kaushik submits that Ganja was recovered from below side of the seat of the car and there is no evidence that Applicant Swadesh Kumar Kaushik had any knowledge that the Ganja was kept below side of the seat or inside the car. He was occupant of the car. He had no knowledge that the Ganja was kept in the car. He is in custody since 8.10.2017. Charge-sheet has been filed against him. Trial will take some time. Learned Counsel, therefore, prays that the Applicant may be enlarged on bail.
5. Shri T.K. Jha, Learned Counsel appearing for Applicant Avinash Astikar submits that the Applicant has been falsely implicated in the case. Police had already taken away the Applicant from his house on 7.10.2017 and his wife had already made a complaint in this regard to the Superintendent of Police, Raipur. Therefore, seizure of the Ganja from possession of the Applicant on 8.10.2017 is a false story. The Applicant is in custody since 8.10.2017. Charge-sheet has been filed against him. Trial will take some time. Learned Counsel, therefore, prays that the Applicant may be released on bail.

6. Learned Counsel appearing for the State opposes the bail applications.
7. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
8. Having regard to the facts and circumstances of the case, particularly, the facts that the quantity of Ganja seized is not a commercial quantity, charge-sheet has been filed against the Applicants, both are in jail since 8.10.2017 and trial may take some time, I am inclined to enlarge the Applicants on bail.
9. Accordingly, both the bail applications are allowed.
10. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE